

RECEIVED
CENTRAL FAX CENTER

NOV 25 2005

Khai Hee KWAN
P.O.Box 1178
Sandakan,
Sabah, Malaysia
Customer Number: 023336
Email: khkwan@yahoo.com
US Fax number: 1-309-4377071

BEST AVAILABLE COPY

Mr Alain L Bashore
Primary Examiner
Art Unit 1762
USPTO

FAX: 571-273-8300

RE: REQUEST FOR CONTINUED EXAMINATION FOR
APPLICATION 09/923311

Dear Sir,

Total pages of this facsimile including this cover page is 11.

We have included the following:

PTO/SB/30 (1 page)
PTO 2038 (1 page)
Response to Final Action and Amended Claims for RCE (8 pages)

For your necessary action and merry christmas.

Thank you

Yours truly,


Khai Hee KWAN

Dated 25 NOV 2005

I hereby certified that I faxed this document on the 25 Nov 2005

25-NOV-2005 04:15

ECORPNU.COM

NOV 25 2005 1 309 4377071 P.04

Application number: 09/923,311

Art Unit: 1762

Applicant: Khai Hee Kwan

Examiner: Alain L Bashore.

Title: A computer network method for conducting payment over a network by debiting and crediting utilities accounts

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TO: Commissioner for Patents

Virginia 22313-1450

BEST AVAILABLE COPY

Sir:

REQUEST FOR CONTINUED EXAMINATION ('RCE')

We respectfully ask the examiner to consider our RCE herein attached. We have made amendments to our claims as shown below under the heading "CLAIMS".

REMARKS IN CONNECTION TO FINAL REJECTION MAILED OCT 13 2005

In various tele-conversation with the examiner, applicant has raised the issue that our definition of utility should be limited to what is found in our specification and which is now incorporated in the claims. Previously, the examiner had suggested that even a road toll could be considered as utility. (See Final Rejection Letter mailed 10-13-05 at page 7)

We do not agree with the Examiner's assertion and even if a road toll could be counted as utility, the prior art teaches using a telephone account to pay a toll and not as in our claimed invention where the 'toll' account is used for making payment to another. It is the function of the specification, not the claims, to set forth the "practical limits of operation" of an invention. *In re Rainer*, 49 CCPA 1243, 1248, 305 F.2d 505, 509, 134 USPQ 343, 346 (1962). One does not look to claims to find out how to practice the invention they define, but to the specification. *In re Roberts*, 470 F.2d 1399, 1403, 176 USPQ 313, 315 (CCPA 1973); *In re Fuetterer*, 50 CCPA 1453, 319 F.2d 259, 138 USPQ 217 (1963). In this instance case, the definition of utilities in this application are provided

Page 1 of 8